

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTWINE HACKNEY,

2:12-CV-1786 JCM (CWH)

Plaintiff(s),

V.

ELLIS ISLAND CASINO AND BREWERY,

Defendant(s).

ORDER

Presently before the court is Magistrate Judge Hoffman's report and recommendation that plaintiff Antwine Hackney's amended complaint (doc. # 9) be dismissed with prejudice. (Doc. # 10). No objections to the report and recommendation have been filed.¹

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)C. Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” *Id.*

¹ The court acknowledges that plaintiff filed a second amended complaint on January 24, 2013. (Doc. # 11). However, the second amended complaint was not properly filed in light of the specific instructions in the report and recommendation advising plaintiff that he could file objections to the magistrate's report and recommendation, but must do so within fourteen (14) days. Instead of following court procedure, plaintiff filed a second amended complaint. In any event, the court has reviewed the second amended complaint (doc. # 11) and finds it to be similarly deficient.

1 Where a party fails to object, however, the court is not required to conduct “any review at all
 2 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
 3 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
 4 judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-*
 5 *Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district
 6 court when reviewing a report and recommendation to which no objects were made); *see also*
 7 *Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
 8 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any
 9 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
 10 recommendation, then this court may accept the recommendation without review. *See, e.g.*,
 11 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge’s recommendation
 12 to which no object was filed).

13 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
 14 whether to adopt the recommendation of the magistrate judge. Upon reviewing plaintiff’s amended
 15 complaint (doc. # 9) and Magistrate Judge Hoffman’s report and recommendation (doc. # 10), this
 16 court finds good cause to adopt the magistrate judge’s findings in full.

17 Accordingly,

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
 19 recommendation of Magistrate Judge Hoffman dismissing plaintiff’s amended complaint with
 20 prejudice (doc. # 10) be, and the same hereby is, ADOPTED in its entirety.

21 IT IS FURTHER ORDERED that plaintiff Antwine Hackney’s amended complaint (doc. #
 22 9) be, and the same hereby is, DISMISSED with prejudice.

23 DATED January 31, 2013.

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 27 **UNITED STATES DISTRICT JUDGE**
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